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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE HONORABLE ROBERT J. JOHNSTON, MAGISTRATE JUDGE PRESIDING

ZUFFA, LLC,)	
)	
Plaintiff,)	Case No. 2:10-cv-1427-RLH-RJJ
)	
vs.)	
)	
PAVIA HOLDINGS, LLC, et al.,)	MOTION HEARING
)	
Defendants.)	
)	<u>C E R T I F I E D C O P Y</u>

TRANSCRIPT OF PROCEEDING

Monday, April 25, 2011, 3:56 p.m.

APPEARANCES:	See Page 2
DIGITALLY RECORDED:	LCR, 3:56:08 - 4:09:20 p.m.
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produced by mechanical stenography and computer.**

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 ALSO PRESENT: KEN PAVIA, Pro Per
 LAWRENCE EPSTEIN
 Zuffa General Counsel

1 LAS VEGAS, NEVADA; MONDAY, APRIL 25, 2011; AT 3:56 P.M.

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3 P R O C E E D I N G S

4

5 THE CLERK: Zuffa, LLC vs. Pavia Holdings, LLC,
6 et al., 2:10-cv-1427-RLH-RJJ. This is before the Court on
7 defendant's motion, Docket 37.

8 Share the podium, counsel.

9 MR. COPPEDGE: Joe Coppedge for Pavia Holdings,
10 Your Honor.

11 THE COURT: Let's start with plaintiff. Who's
12 representing the plaintiff?

13 MR. CAMPBELL: Good morning, Your Honor -- or good
14 afternoon, Your Honor. Donald Jude Campbell, Campbell &
15 Williams, 700 South Seventh Street appearing on behalf of
16 Zuffa, LLC, the plaintiff in the action, Your Honor.

17 THE COURT: Thank you.

18 MR. CAMPBELL: With me is my partner,
19 Mr. Colby Williams, and general counsel for Zuffa,
20 Mr. Lawrence Epstein, Your Honor.

21 THE COURT: Thank you.

22 On behalf of the defense, and if you could just
23 indicate which parties you represent.

24 MR. PEPPERMAN: Eric Pepperman on behalf of Bellator.
25 I'm here with Randall Jones.

1 MR. COPPEDGE: And yes, Your Honor. Joe Coppedge
2 again for Pavia Holdings, Your Honor.

3 MR. SMITH: Jordan Smith, Your Honor, for third party
4 defendant Julian Gregorio.

5 PRO PER PAVIA: Ken Pavia, I guess in pro per,
6 Pavia Holdings.

7 THE COURT: Are you represented by counsel,
8 Mr. Pavia?

9 PRO PER PAVIA: Today I am.

10 THE COURT: Who represents you?

11 PRO PER PAVIA: Presently Joe Coppedge.

12 MR. COPPEDGE: And I believe Michael Lynch was to
13 call in, Your Honor. I'm not sure if he's on the phone or not,
14 but he was to call in for the hearing today.

15 THE COURT: Do we have anybody, Jerry, on the phone?

16 THE CLERK: I didn't see that on the order, Judge. I
17 will try to get him on the line.

18 (Telephone call was placed by clerk.)

19 This is Jerry, courtroom deputy to Judge Johnston.
20 Who's on the phone, please?

21 MR. LYNCH: This is Mike Lynch.

22 THE COURT: Mr. Lynch, if you could just indicate the
23 party or parties that you represent, any law firm that you're
24 associated with and the city and state that you're in for the
25 call today, please.

1 MR. LYNCH: Yes, sir. My name is Michael Lynch. I'm
2 an attorney with the Lynch Law Group, New Jersey and
3 California. I'm currently residing in California, that is
4 where I'm calling from. I represent Pavia Holdings, appearing
5 pro hac vice.

6 THE COURT: Where in California?

7 MR. LYNCH: Los Angeles.

8 THE COURT: Thank you.

9 I've put this on for a hearing in regard to a Motion
10 to Withdraw by defense counsel for Pavia.

11 Mr. Campbell, do you take any position in regard to
12 this motion?

13 MR. CAMPBELL: We do not object to the motion.

14 THE COURT: Mr. Smith, do you take any position on
15 this matter, your client?

16 MR. SMITH: We do not object, Your Honor.

17 THE COURT: Let's see, Mr. Jones, who are you here
18 with?

19 MR. JONES: Mr. Pepperman, Your Honor.

20 THE COURT: Okay.

21 MR. JONES: But, I mean, it's (inaudible) from my
22 office today.

23 THE COURT: And Mr. Pepperman, any position by your
24 client on this matter?

25 MR. PEPPERMAN: We also do not object, Your Honor.

1 THE COURT: Thank you.

2 If the Court grants the motion, who will be
3 representing the defendants?

4 PRO PER PAVIA: At this time we don't have counsel,
5 Your Honor. We're in search of counsel.

6 THE COURT: Okay. Obviously you knew this was coming
7 some time ago. What efforts have you made to obtain counsel,
8 Mr. Pavia?

9 PRO PER PAVIA: Extensive phone calls and interviews
10 in an attempt to procure counsel. As of yet we have not been
11 successful.

12 THE COURT: You understand that corporate entities
13 must have counsel in federal court. Otherwise, a default will
14 be granted against you.

15 How soon can you get counsel?

16 PRO PER PAVIA: About a month, Your Honor.

17 THE COURT: How long have you known about this
18 situation already?

19 PRO PER PAVIA: About two weeks.

20 THE COURT: Are you current in the payments with your
21 current counsel?

22 PRO PER PAVIA: I believe we are, Your Honor.

23 THE COURT: Mr. Coppedge.

24 MR. COPPEDGE: I don't know, Your Honor, to be honest
25 with you. I've changed firms and I can't give you if the old

1 firm is current or not, Your Honor.

2 THE COURT: Mr. Lynch, is Pavia --

3 MR. LYNCH: Yes.

4 THE COURT: Is Pavia current with you?

5 MR. LYNCH: Yes, he is.

6 THE COURT: Thank you.

7 What's the status in the case? Somebody want to
8 bring me current as far as discovery schedule and where you
9 stand?

10 MR. CAMPBELL: Yes, Your Honor. I would be happy to
11 attempt to do so.

12 THE COURT: Thank you.

13 MR. CAMPBELL: Your Honor, for purposes of
14 clarification, I believe Mr. Lynch was formerly associated with
15 Pavia Holdings doing business as MMA agents at one point. He
16 is no longer. I don't know whether there is or is not a
17 relevant issue with respect to whether or not he has been paid.

18 Irrespective of this, Your Honor, we have, in fact,
19 been in this litigation for quite some time attempting to
20 conduct discovery yet at the same time, being professionally
21 courteous to our opposing counsel in the matter. Mr. Coppedge,
22 who has dealt with us and we have dealt with him over a number
23 of years, asked -- asked us to give him a little bit more time
24 because he was going to be getting out of the case and we
25 understood that. But irrespective of that fact, we have

1 outstanding discovery out. We have a Protective Order that has
2 been agreed upon by Bellator and our firm that we have executed
3 and waits execution by third party -- or Mr. Pavia, excuse me,
4 or his representative.

5 We also have recently been advised through pleadings
6 that a -- yet another individual has been named as a third
7 party defendant by Bellator and so, that's going to certainly
8 delay things.

9 We have served discovery -- meaning we -- Zuffa has
10 served discovery. We have a current outstanding discovery
11 dispute with the other party who did not timely respond. They
12 did, in fact, eventually respond after we demanded that
13 response prior to coming here today saying that we would file a
14 Motion to Compel. The response was unsatisfactory. We are,
15 however, going to hold a discovery resolution conference with
16 Bellator on their discovery responses.

17 We have responded to theirs. Mr. Pat English who
18 represents Bellator has indicated that he similarly believes
19 that he has some issues with respect to some of our responses,
20 but that's pretty much where we're at right now, Your Honor.

21 So, the status is we have a new party coming in. We
22 have an old party having lost its counsel. We have exchanged
23 written discovery and we are very anxious, most anxious to take
24 the depositions of Mr. Pavia as well as the chief executive
25 officer of Bellator, Mr. Bjorn Rebney.

1 THE COURT: Okay.

2 What's your current discovery deadline?

3 MR. CAMPBELL: June 30th, yes, I believe it is. So
4 it's . . .

5 THE COURT: Sounds like that's got to move. Very
6 soon.

7 MR. CAMPBELL: Yes, Your Honor.

8 We forecasted that would probably happen. We
9 understand that and we do not object to that. We would,
10 however, again, just inform the Court that we'd like to get
11 moving on to our deposition schedule as soon as we possibly
12 can, understanding that Mr. Coppedge is withdrawing and that
13 Mr. Pavia is asking for a little bit more time to get counsel.
14 And we do want to be cooperative. We understand what the
15 Court's position on that is and I think we have been to this
16 point.

17 THE COURT: Thank you very much.

18 MR. CAMPBELL: Thank you very much, Your Honor.

19 THE COURT: I appreciate the assist.

20 What I'm -- what I'm going to do then is grant the
21 Motion to Withdraw at this time. That's Document No. 37 in the
22 court file. Former counsel is to transmit the file forthwith
23 to Mr. Pavia directly. Mr. Pavia, you'll receive this. You'll
24 represent yourself. Obviously you can't do anything for the
25 corporate entity so, you just need to move fast.

1 What I'm going to do is require that your address and
2 telephone number be provided to other counsel and also to the
3 Court so that you can personally receive service for yourself.

4 PRO PER PAVIA: Do you want that now?

5 THE COURT: Yes, please.

6 PRO PER PAVIA: 19671 Beach Boulevard, Suite 412,
7 Huntington Beach, California. Zip code, 92648.

8 THE COURT: Telephone?

9 PRO PER PAVIA: Area code 949-422-2100.

10 THE COURT: Everybody get that?

11 Service then as to Pavia individual can be made on
12 him through that address for anything that's required as we
13 move forward with the case.

14 Mr. Pavia, the Court will grant until May 20th, 2011
15 for the corporation to secure counsel. If not, then default
16 will be entertained by the Court.

17 MR. CAMPBELL: Your Honor, there's just one further
18 matter pursuant to timing and with respect to the Court's
19 schedule that I know the Court would be most interested in.

20 We do not know if this is accurate but we have heard
21 from different individuals that perhaps Mr. Pavia's company is
22 going to be filing bankruptcy and I would just like to have an
23 understanding if, in fact, that's in the works because that's
24 certainly going to throw a monkey wrench into all of this as
25 well and I know how busy His Honor's schedule is, I know all

1 the lawyers are equally busy so, perhaps Mr. Pavia can
2 enlighten us as to whether that's true or false.

3 THE COURT: Is that on the horizon?

4 PRO PER PAVIA: There's no current plans to file
5 bankruptcy.

6 THE COURT: Okay. Very good.

7 Anything further today?

8 Obviously the Court will be receptive to a
9 stipulation and adjustment on the discovery schedule as soon as
10 you can get everybody in line and I get this new party engaged
11 and then Mr. Pavia will have new counsel on behalf of
12 Pavia, LLC. So, you know, I appreciate you try to diligently
13 live by those schedules that we impose but, recognize you've
14 got some freedom here and I'll look for something probably in
15 late May then or first part of June. You probably don't want
16 to push it any later than that.

17 Is there anything else today?

18 MR. COPPEDGE: No, Your Honor.

19 THE COURT: Any chance of settling this case or any
20 part of it?

21 MR. CAMPBELL: There's always a chance but we view
22 that chance as very slender, possibly transparent, Your Honor.

23 THE COURT: Okay.

24 Well, I always --

25 MR. CAMPBELL: At least at this point.

1 THE COURT: I always ask and we're always here. I
2 always offer the courthouse. If anyone wants us to host a
3 session, we're happy to do that.

4 MR. CAMPBELL: We certainly don't think we would be
5 in a position to do that until we took these depositions.

6 THE COURT: And that's understandable in light of the
7 case and what's been brought.

8 Anything further then?

9 MR. CAMPBELL: Nothing, sir.

10 THE COURT: Thank you for your patience. I
11 apologize. We're kind of in a criminal hearing that's running
12 long today and so we've been bouncing in and out of civil and
13 criminal things all afternoon. We appreciate that.

14 We'll recess that case and go back to the criminal
15 case if we could.

16 MR. CAMPBELL: Thank you again, Your Honor.

17 MR. COPPEDGE: Thank you, Your Honor.

18 THE COURT: Thank you so much. Good to have you all
19 here.

20 MR. LYNCH: Thank you, Judge.

21 (Proceedings adjourned at 4:09 p.m.)

22 * * *

23 I, Heather K. Newman, court-approved transcriber, certify that
24 the foregoing is a correct transcript transcribed from the
25 official electronic sound recording of the proceedings in the
above-entitled matter.

Heather K. Newman

Date